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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,626	01/24/2002	Kenji Fukuda	8001-1009	3592

466   7590   01/22/2007

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EXAMINER
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ART UNIT	PAPER NUMBER
2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 2, 4, 6 - 9, 13 - 16, 18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 2, 4, 6 - 9, 13 - 16, 18* is/are rejected.

7)☒ Claim(s) *1 - 2, 4, 6 - 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1.   Claims 1 – 2, 4, 6 – 9 are objected to because of the following informalities: "a

display function of teach [each?] of said plurality of user terminals", claim 1, line 9.

Appropriate correction is required.

2.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

3.   Claims 1, 6 - 9, 13, 15 – 16, 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Popa ("Popa"; US #6,006,231) in view of Johnson ("Johnson"; US

#6,615,213 B1).

        As per independent claim 18's "file distribution method for distributing a file of a

style requested by a user terminal from a server to the user terminal via a network",

Popa enables **retrieving an image** from a **network**, using a **server** application and a

client application, so that **a desired version of a desired image** is sent via a

communication application (Abstract). In Popa, an image **file 12** may be accessed via a

"request message" for a specific file, resolution, size and colour space (col 5, line 36 -

col 6, line 13; fig 3), so that the client application 20 enables an end user to **select**

(manually or automatically) the **image file, size, resolution, and colour**, and creates

the request message.

        The Popa disclosure therefore reads upon claim 18, in that in Popa, the "user

terminal" is capable of "storing display style information which is determined by a

display function of the user terminal", since the user develops a selection first at the

client side, this taking device specifics into account for resolution, size and colour

space, for subsequent transmission in a "request message", and also of "transmitting

the display style information to the server", when the Popa <u>server application</u> receives

such a <u>request</u>. The Popa "server" is then disclosed as "distributing a file of a style in

accordance with the display style information to the user terminal", when the <u>desired</u>

<u>version</u> is downloaded.

Popa appears directed to a scenario in which the <u>client</u> and the <u>server</u> have a

certain predefined relationship, and thus does not **explicitly** teach "storing" the "style

information" in advance, so that "upon first accessing the server" the data is available,

since Popa's <u>server</u> would most likely have been already accessed in some sort of

setup procedure. A similar shortfall results in comparing Popa to independent claims 1,

13 with their "storing display style information" "before first accessing the server".

However, it was known in the art at the time of applicant's invention to maintain

"user terminal" specifics that are directed towards a variety of "server" instances, as is

seen in Johnson, in which <u>application independent data</u> is maintained, so as to permit

<u>configured customizable actions</u> (Abstract). In Johnson, <u>data</u> <u>may be sought by **many**</u>

<u>various remote data processing systems</u> (col 2, line 66 - col 3, line 34), and is <u>for</u>

<u>automatically communicating (transmitting)</u> **to as many remote data processing**

systems as desired <u>through the minimal user action</u>. It is seen in Johnson, therefore,

<u>a generic foundation for facilitating the communication of data by clients to **arbitrary**</u>

<u>remote applications</u> (col 3, lines 39 - 50), so that the <u>application independent data</u> is

stored "upon first accessing" "a server", when one of the <u>many various remote data</u>

<u>processing systems</u> is being accessed for the first time.

It would have been obvious to a person having ordinary skill in the art at the time

applicant's invention was made to provide "display style information" such as that which

is used in obtaining an image file instance of a particular version from a server, as in

Popa, but with the client having such information on hand "upon first accessing the

server", as in Johnson, because this allows a greater variety of servers to be image file

sources, a capability readily appreciated in the Popa environment. Motivation rests at

least in Popa, where it is the objective to provide the best copy of an image file that the

client can support, and this would be enhanced with a wider variety of sources as per

Johnson that do not require separate configuration (e.g., using the same application

independent data, Johnson).

As per claim 6's "server" whose "memory" "previously stores a plurality of files

having different display styles" (see also claim 15), because Popa can develop a

plurality of different versions of the image (col 1, lines 49 - 59), Popa will have to have

such storage for a "distributor" that "selects a corresponding file" and "distributes the file

to the user terminal". Also, please note that in Popa, each version of the image is

derived from the same file, as in claim 7's "original file" that is made to have "a style" by

the use of a "converter" (see also claim 16).

As per claim 8, Popa discloses that the user can download any combination of

resolution, dimension and colour quality contained in the original image (col 3, lines 7 -

31) for a desired image file, these being typically related to the kind of image the

terminal hardware may support. Thus, "presence of an image" is included in the identity

of the file, and "size of an image and a size of a display screen" in size (col 3, lines 19 -

31). This aspect of Popa also satisfies claim 9, in which "a display resolution" is part of "the display style information", along with that "color combination" needed for the display in colour quality.

4.   Claims 2, 4,14 are rejected under 35 USC 103(a) as being unpatentable over Popa in view of Johnson and Ovadya et al. ("Ovadya"; US #2001/0009008 A1).

In any arrangement that accesses a "server" in the style of Popa or Johnson, the user identity would certainly be important, where any kind of value-added service is being provided, only these references do not **explictly** teach claim 2's "identification number generator" that is used at the "distributor" side to retain "display style information".

However, Ovadya's ONLINE SERVICE PLATFORM specifically contemplates such user-by-user "identification", when file conversions, translations or any other service being executed on a file (Abstract) are provided, via a customer identification (customer client ID) 19, which is a code identifying the customer client and a browser 20 (paragraphs [0014], [0019]).

Thus, it would have been further obvious to the person having ordinary skill in the art to use an "identification number" as per Ovadya, to retain the kind of user-specifics that would be useful in a "display style" provision as per Popa, when made to have the further capability of "storing" such information "before first accessing" a "server" as in Johnson, because this gives the "server" side a better control over the individual accessing users in a typical Popa situation, where the relationship retention as in Ovadya allows for optimum customization and support. Motivation can be seen in either

of Popa or Johnson, where the accessing user seeks an extent of custom access that is

as suitable as possible to that user's needs, in obtaining information from the "server".

When the user has made a first contact and obtained an "identification number"

(as suggested by Ovadya), the "user terminals" will retain "the identification number and

location information of said server" that has given them (claim 4), when performing the

kind of further access seen in both of Popa and Johnson.

Also suggested by the additional obvious addition of Ovadya-style <u>customer</u>

<u>identification</u> is claim 14's "server holding the display style information" and a "user

terminal holding the identification number", for obtaining "a file of a style in accordance

with the display style information", when a Popa "style" maintained for plural "server"

instances as in Johnson, is adapted to allow individual users to be identified.

5.   Applicant's arguments filed 11 December 2006 have been fully considered but

they are not persuasive.

At pages 9 – 10 of the response, applicant argues that "POPA fails to disclose

display style information which is determined by a display function of the user terminal",

since "in POPA, none of the image file, size, resolution and color can be display style

information which is determined by a display function of the user terminal, but rather

each is output information based on a user selection"—"POPA's disclosure, involving a

mandatory user selection, does not suggest the present invention, but rather teaches

away it [sic]." However, nothing in the claims themselves rules out that a user can be

involved: "the display style information being determined by a display function of teach

[sic] of said plurality of user terminals" can be read directly upon the "display style"

selection of Popa, where device specifics (and therefore a "display style") will have an effect upon the "style" that is chosen. The parameters of <u>resolution, size and colour space</u> in Popa are different from one kind of display unit to another, and in accessing files, this identity and the properties associated with it can be the basis for "the display style information" that results in the actual file transfer.

Regarding Johnson, applicant argues at page 10 that "JOHNSON also fails to disclose display style information which is determined by a display function of the user terminal", something for which the Examiner instead relies upon Popa, so it makes no material difference that Johnson's "output" is "based on a user selection". Furthermore, and as is noted above, the claims do not preclude the involvement of a user.

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

During an updated search, the Examiner noted that Stahl (US #7,072,932 B1) teaches the transfer of content according to a format that relates to the individual receiving device.
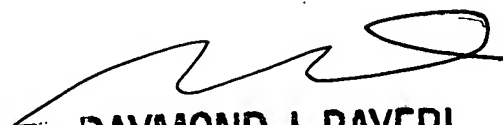
7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:30 AM to 4:30 PM ET.

8.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at 571-272-4063. All patent application

related correspondence transmitted by FAX **must be directed** to the central FAX

number (571) 273-8300.

9.   Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (571) 272-

2100.

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173
18 January 2007